

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**CLOSED**

**United States of America**

**v.**

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed on or After November 1, 1987)

**Heliodoro Morales-Hernandez**

**No. 08-15181-001M-SD**

Citizen of Mexico

Lorna Spencer (AFPD)  
Attorney for Defendant

USM#: 74270-208

DOB: 1969

ICE#: A92 107 009

**THE DEFENDANT ENTERED A PLEA OF** guilty on 1/29/2008 to Count TWO of the Complaint.

**ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S):** violating Title 8, USC § 1325, Illegal Entry, a Petty offense, as charged in Count TWO of the Complaint.

**IT IS THE JUDGMENT OF THE COURT THAT** the defendant is hereby committed to the custody of the Bureau of Prisons for a term of FOUR (4) MONTHS on Count TWO, with credit for time served.

**IT IS FURTHER ORDERED** that all remaining counts are dismissed on motion of the United States.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay to the Clerk the following total criminal monetary penalties:

**SPECIAL ASSESSMENT:** \$Remitted

**FINE:** \$

**RESTITUTION:** \$

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count TWO of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

**IT IS FURTHER ORDERED** that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons.  
The defendant is remanded to the custody of the United States Marshal.

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Date of Imposition of Sentence: **Tuesday, January 29, 2008**

JAY R. IRWIN, United States Magistrate Judge

Date 1/29/2008

**RETURN**

I have executed this Judgment as follows: \_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

United States Marshal

08-15181-001M-SD -

By: \_\_\_\_\_

Deputy Marshal

DATE: 1/29/2008 CASE NUMBER: 08-15181-001M-SD

**PLEA/SENTENCING MINUTES**

USA vs. Heliodoro Morales-Hernandez

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney \_\_\_\_\_

INTERPRETER REQ'D Marcia Resler  
LANGUAGE: Spanish

Attorney for Defendant Lorna Spencer (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 1/27/08

☐ Financial Afdvt taken

☒ Complaint Filed

☒ Appointment of counsel hearing held

☒ No Financial Afdvt taken

☐ Financial Afdvt sealed

☒ Initial Appearance

**DETENTION HEARING:**

Set for: before:

☐ Held ☐ Cont'd ☐ Reset ☐ UA

☐ Defendant ordered temporarily detained in the custody of the United States Marshal

☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at \$ \_\_\_\_\_

☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

**PLEA HEARING:**

Set for: before:

☒ Held ☐ Cont'd ☐ Reset

☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd

☐ Consent of Defendant ☐ Information filed \_\_\_\_\_ ☐ Complaint filed \_\_\_\_\_

☒ Defendant sworn and examined by the Court ☒ Plea of Guilty ☐ Not Guilty ☒ Entered to Counts TWO

☐ Defendant states true name to be \_\_\_\_\_. Further proceedings ORDERED in defendant's true name.

☒ Plea of Guilty entered as to Ct(s) TWO of the ☐ Information ☐ Indictment ☒ Complaint

☒ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.

☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed

☐ Court does not accept defendant's plea of guilty because \_\_\_\_\_

☐ PSI ORDERED ☐ EXPEDITED ☒ PSI waived ☐ Time waived for passage of sentence

☐ Continued for sentence to \_\_\_\_ before \_\_\_\_\_

☒ To be dismissed upon entry of the judgment, Ct(s) ONE

☒ ORDER vacate trial date/motion hearing/mtns moot

☐ ORDER defendant remain released pending sentence ☒ remanded to USM

**SENTENCING:**

☒ Defendant committed to Bureau of Prisons for a period of 4 months ☐ Probation/Supervised Release for \_\_\_\_\_

☒ Special Assessment \$ REMITTED ☐ Fine \$ \_\_\_\_\_ ☐ Restitution \$ \_\_\_\_\_

Other: \_\_\_\_\_

RECORDED: CS

BY: Angela J. Tuohy, Deputy Clerk

1/27  
**United States District Court**

**SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA

V.

Heliodoro MORALES-Hernandez

Citizen of Mexico

YOB: 1969

A92 107 009

Illegal Alien

**CRIMINAL COMPLAINT**CASE NUMBER: *08-15181-M-SD*

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

**COUNT I**

That on or about August 14, 2003, Defendant Heliodoro MORALES-Hernandez was arrested and removed from the United States to Mexico through the port of Calexico, California, in pursuance of law, and thereafter on or about January 27, 2008, Defendant was found in the United States near Andrade, California within the Southern District of California, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

**COUNT II**

That on or about January 26, 2008, within the Southern District of California, Defendant Heliodoro MORALES-Hernandez, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

January 29, 2008

Date

at

City and State

Yuma, Arizona

Jay R. Irwin, U.S. Magistrate

Name &amp; Title of Judicial Officer

Signature of Judicial Officer

Signature of Complainant

Chris Cantua

Senior Patrol Agent

## STATEMENT OF FACTUAL BASIS

Defendant: Heliodoro MORALES-Hernandez

Dependents: 2 Mexican

**IMMIGRATION HISTORY:** The Defendant was last removed through Calexico, California on August 14, 2003.

**CRIMINAL HISTORY:**

<u>DATE/LOCATION</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
08/05/1993 Kelso WA, Sheriff's Office	Possession of Heroin/Violation of a Uniformed Controlled Substance	90 days in jail/12 months probation
01/31/1994 Kelso WA, Sheriff's Office	Maintain/Place Dwelling For Selling/Use Controlled Substance	90 Days
09/30/1994 Oregon Dept of Corrections	Controlled Substance – Manufacture/Deliver	23 months
10/23/1998 Correction Complex West Anchorage, AK	1-3 Counts of Controlled Substance 2 <sup>nd</sup> Degree	Felony 6 years

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.


The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Andrade, California on January 26, 2008.

Charges: 8 USC§1326  
8 USC§1325

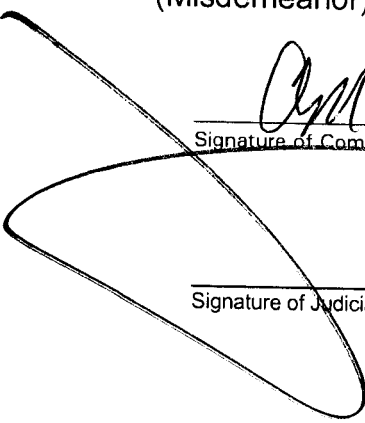
(Felony)  
(Misdemeanor)

  
\_\_\_\_\_  
Signature of Complainant

Sworn to before me and subscribed in my presence,

January 29, 2008

Date

  
\_\_\_\_\_  
Signature of Judicial Officer